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PART III.

Acts of the Governor General of India in Council, &c.

A Bill to amend the law relating to Opium.

Whereas it is expedient to amend the law relating to opium; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Indian Opium Act, 1875:"

Short title.

It extends to the whole of British India;

Local extent.

And it shall come into force as follows:—

Commencement.

(*a*). In the Provinces respectively subject to the Governors in Council of Fort Saint George and Bombay, at once:

(*b*). In each of the other Provinces of British India, on such day as the Governor General in Council, by notification in the *Gazette of India*, directs in that behalf.

2. Sections eight to sixteen (both inclusive) of Bombay Regulation XXI of 1827, are hereby repealed.

Repeal of Bombay Regulation XXI of 1827, Secs. 8 to 16.

3. Unless in accordance with rules framed under this Act or with any enactment for the time being in force, no one shall—

XIII of 1857, s. 2.
Prohibition of poppy cultivation and possession, &c., of opium.

(*a*) cultivate the poppy or manufacture opium;
(*b*) possess any quantity of opium exceeding five tolahs in weight;
(*c*) transport opium from one place to another; or
(*d*) sell opium or preparations or admixtures of opium.

4. The Local Government may make rules to regulate, within the whole or any part of the territories subject to such Government, all or any of the following matters :—

Local Government may make rules.

XXI of 1856, s. 28.

(*a*) the cultivation of the poppy ;
(*b*) the possession of any quantity of opium exceeding five tolahs in weight ;
(*c*) the transport of opium ; and—
(*d*) the sale of opium and of preparations and admixtures of opium.

The Local Government may from time to time alter and add to such rules.

Such rules, alterations and additions shall be submitted for the sanction of the Governor General in Council, and on receiving such sanction, shall be published in the local official Gazette and shall thereupon have the force of law.

5. Whoever cultivates the poppy in contravention of rules made and published under section four, or before such rules are made and published as aforesaid, shall, on conviction before a Magistrate, be punished with fine which may extend to one thousand rupees, and in default of payment of such fine, with imprisonment for a term which may extend to six months ;

XIII of 1857, s. 21, which is fuller.

Penalty for illegal cultivation of poppy.

and the poppy so cultivated, and the opium (if any) produced therefrom, may be confiscated by the convicting Magistrate.

6. Whoever, not being authorized in this behalf under rules made and published under this Act, or before such rules are so made and published, has in his possession a greater quantity of opium than five tolahs weight,

XXI of 1856, ss. 51, 52.

For having in possession unlawful quantity of opium.

and whoever transports opium in contravention of rules so made and published, or before such rules are so made and published,

For unlawfully transporting opium.

shall for every such offence be punished with fine which may extend to one thousand rupees, and, in default of payment of such fine, with imprisonment for a term which may extend to six months :

Provided that if the opium in respect of which such offence is committed exceeds the weight of twenty sers, the fine may be increased at a rate not exceeding fifty rupees the ser for all the opium so found in excess.

On any conviction under this section, the opium, together with the vessels, packages and coverings in which it is found, and the animals and conveyances used in carrying it, may be confiscated by the convicting Magistrate.

XXI of 1856, ss. 51,52.

7. Whoever sells opium in contravention of rules so made and published, or before such rules are so made and published, shall for every such offence be punished with fine which may extend to one thousand rupees, and, in default of payment of such fine, with imprisonment for a term which may extend to six months.

XXI of 1856, ss. 28, 34.

For unlawful sale of opium.

STATEMENT OF OBJECTS AND REASONS.

The poppy is grown extensively in Lower Bengal, the North-Western Provinces, Oudh and Central India, and to some slight extent in the Panjáb, the Central Provinces, Berar and Mysore, and in part of Bombay. Little or no opium is produced in Madras, British Burma or Assam.

The attention of Local Governments and of the Government of India has of late been frequently drawn to the insufficiency of the existing law on the subject.

In the Bengal Presidency, including the North-Western Provinces, Oudh and the Panjáb, the law is clear and satisfactory.

But in some of the more recently formed Administrations, such as the Central Provinces, Assam and British Burma, the applicability of the Bengal law is doubtful, and in Bombay and Madras the law on the subject is altogether defective.

In the Bombay Presidency, the same control is in point of fact exercised as in Bengal for checking the growth of the poppy and the manufacture of opium; but the legal authority for this action is insufficient.

In Madras no check, either legislative or administrative, exists at present on the growth of the poppy or the transport, possession or storage of opium, and practices have resulted injurious alike to the public revenue and to public morality and health.

The Governments of Madras and Bombay have both contemplated supplying these defects by local legislation. But it is considered expedient by one simple and comprehensive Imperial law to ensure that the Imperial revenue derived from opium is no where left without adequate protection.

The Bill, as now introduced, will not alter the state of things prevailing in the Bengal Presidency, nor will it involve any alteration of practice inconsistent with the system of export duty in force in Western India. The control exercised by the State in Bengal and Northern India, is equally necessary whichever system prevails. The power which Government by law possesses in the Bengal Presidency will now be extended to all parts of India,—doubts, where they exist, will be removed,—and the needed legislation will be provided for Madras and Bombay.

W. MUIR.

Simla, the 23rd August 1875.